



Littler Mendelson, PC  
290 Broadhollow Road  
Suite 305  
Melville, NY 11747

December 16, 2020

**VIA ECF**

Honorable Philip M. Halpern  
United States District Judge  
Southern District of New York  
500 Pearl Street,  
New York, New York 10007

Re: Kelly v. The City of Mount Vernon, et al.  
Case No. 7:19-cv-11369 (PMH)

Application granted. Deadline to complete discovery extended to 2/26/2021. The case management conference scheduled for 1/5/2021 is adjourned to 3/1/2021 at 10:30 a.m.

SO ORDERED.

A handwritten signature in black ink, appearing to read "Philip M. Halpern", written over a horizontal line.

Philip M. Halpern  
United States District Judge

Dated: New York, New York  
December 17, 2020

Dear Judge Halpern:

This firm represents Defendant Richard Thomas in the above-referenced action. The Parties jointly submit this letter to provide the Court with the status of this case and, for the reasons detailed below, respectfully request that the Parties' fact discovery deadline of December 31, 2020 be extended until February 26, 2021, and that the January 5, 2021 Case Management Conference be adjourned to a future date after the close of discovery. This extension would not affect the current briefing schedule of Defendant Richard Thomas' Rule 12(c) motion, as set forth by the Court.

Initially, Defendant Richard Thomas and Plaintiff sought to schedule party depositions over the last two weeks of December in order to meet the current discovery deadline of December 31, 2020. As of November 25, 2020, Defendant Richard Thomas and Plaintiff have each served responses to the other's first set of discovery demands, including both interrogatories and requests for document production. As a result of these discovery exchanges, on November 25, and 29, 2020, respectively, Defendant Richard Thomas and Plaintiff each served deficiency letters concerning the other's written responses. Defendant Richard Thomas and Plaintiff are cooperating to address the respective party's noted deficiencies. Furthermore, to date, Defendants Richard Thomas and the City are still exchanging written discovery responses, and which responses both Defendants will require in advance of all party depositions.

Given the discovery deficiencies currently outstanding, the Parties agreed that they would be unable to proceed with depositions until all such deficiencies are resolved, especially in light of the upcoming end-of-year holidays.

In addition, following the pre-motion conference and pursuant to the Court's November 2, 2020 Order, Defendant Richard Thomas has served upon Plaintiff, on November 23, 2020, a Rule 12(c) Motion For a Judgment on the Pleadings. On December 14, 2020, Plaintiff served an opposition to Defendant Richard Thomas' motion papers. Defendant Richard Thomas must now serve reply papers by December 21, 2020. The preparation of the Parties' respective legal briefs, combined with the Parties' remaining discovery

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obligations described above, demonstrate that the Parties have not been dilatory in their compliance efforts.

Thus, the Parties respectfully request an extension of the current discovery deadline from December 31, 2020 to February 26, 2021 to complete the Parties' ongoing discovery obligations, including, but not limited to, resolving any deficiencies in discovery, gathering outstanding written discovery responses, conducting depositions, and completing discovery. Furthermore, the Parties respectfully request that the Case Management Conference, currently scheduled for January 5, 2021, be adjourned to a future date after the close of discovery. The Rule 12(c) motion briefing schedule remains unchanged.

We thank the Court for its time and consideration of the matters discussed herein.

Respectfully submitted,

Littler Mendelson, P.C.

*/s/ Daniel Gomez-Sanchez*

Daniel Gomez-Sanchez  
Shirley W. Bi